

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

P.M., a Minor, By and Through Her Parent, TERPSEHORE MARAS,	:	
	:	
Plaintiffs,	:	CASE NO. 1:21 CV 1711
	:	
vs.	:	JUDGE SOLOMON OLIVER, JR.
	:	
MAYFIELD CITY SCHOOL DISTRICT BOARD	:	MOTION TO DISMISS
OF EDUCATION, et al.	:	
	:	
Defendants.	:	

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants the Mayfield City School District Board of Education (the “Board”), its Superintendent Dr. Michael J. Barnes (the “Superintendent”), and its members Ron Fornaro, Sue Grozek, Al Hess, George Hughes, and Jimmy Teresi (collectively, “Defendants”) move to dismiss the Complaint filed by Plaintiff Terpsehore Maras (“Plaintiff”).

As explained more fully in the combined Memorandum in Opposition to Plaintiff’s Motion for a TRO and Cross-Motion to Dismiss (Dkt. # 6), Plaintiff lacks standing and, thus, the Court lacks subject matter jurisdiction because Ohio law does not allow Plaintiff to bring an action *pro se* on her daughter’s behalf. *Shepherd v. Wellman*, 313 F.3d 963, 965 (6th Cir. 2002) (parent cannot bring action *pro se* on behalf of minor child). In addition, Plaintiff has not otherwise identified any violation causing injury to herself personally and, thus, lacks standing to pursue claims in her own name. *Buchholz v. Tanick*, 946 F.3d 855 (6th Cir. 2020) (standing requires a concrete, particularized injury); *Claybrook v. Birchwell*, 199 F.3d 350, 357 (6th Cir. 2000) (claims brought pursuant to Section 1983 are “entirely personal to the direct victim of the alleged constitutional tort”).

Defendants incorporate the arguments in their combined Memorandum in Opposition to Plaintiff's Motion for a TRO and Cross-Motion to Dismiss (Dkt. # 6) as if set forth fully herein and refer the Court to their Opposition to Plaintiff's Motion for a TRO and Cross-Motion to Dismiss for the arguments supporting dismissal.

Respectfully Submitted,

/s/ Thomas L. Feher

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 2021, a copy of the foregoing **Motion to Dismiss** was filed electronically with the United States District Court for the Northern District of Ohio. Notice was sent to Plaintiff at mayfieldparentsunion@gmail.com.

/s/ Thomas L. Feher
One of the Attorneys for Defendants